

Variance Request to Chapter 8 Section 2, Part III Mississippi Coastal Program and to Miss. Admin. Code Title 22 Part 23 Rules and Regulations for the Coastal Wetlands Protection Law and the Mississippi Coastal Program

A Variance to the Mississippi Coastal Program is necessary for the Graveline Bay Intertidal and Subtidal Reefs Project. Chapter 8, Section 2, Part. III. O.1 of the Mississippi Coastal Program states “Permanent filling of coastal wetlands because of potential adverse and cumulative environmental impacts is discouraged.” A Variance to the Miss. Admin. Code Title 22 Part 23 Rules and Regulations for the Coastal Wetlands Protection Law and the Mississippi Coastal Program is necessary for the Graveline Bay Intertidal and Subtidal Reefs Project because Chapter 8 Section 114.01 states “Permanent filling of coastal wetlands below the mean high tide line because of potential adverse and cumulative environmental impacts is not authorized”. This Attachment addresses the Variance request.

Justification for the variance is provided in Chapter 8, Section 2, Part I. E.2.c.i of the Mississippi Coastal Program and in Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 118.01: The impacts on coastal wetlands would be no worse than if the guidelines were followed.

The proposed project meets the following goals of the Mississippi Coastal Program:

- To favor the preservation of the coastal wetlands and ecosystems, except where a specific alteration of a specific coastal wetlands would serve a higher public interest in compliance with the public purposes of the public trust in which the coastal wetland are held.
- To conserve the air and waters of the state, and to protect, maintain, and improve the quality thereof for public use, for the propagation of wildlife fish and aquatic life and for domestic, agricultural, industrial, recreational, and other legitimate beneficial use.
- To put to beneficial use to the fullest extent of which they are capable the water resources of the state, and to prevent the waste, unreasonable use, or unreasonable method of use of water.
- To encourage the preservation of natural scenic qualities in the coastal area.

The proposed Graveline Bay Intertidal and Subtidal Reefs Project provides natural resources reef restoration including increased benthic secondary productivity.

The public will benefit significantly from the enhancement of secondary productivity in

the Graveline Bay area. The natural appearance and visual attractiveness of the shoreline will be maintained. The placement of hard bottom substrate in the Graveline Bay area will support and enhance secondary productivity benefits. Minor indirect sedimentation to coastal wetlands may result due to construction activities for this project; however, in the long term, this project is designed to protect and restore coastal wetlands and restore natural resources injured as a result of the *Deepwater Horizon* oil spill. Further, mitigation measures will be implemented during construction to reduce any potential adverse impacts. The public benefit provided by the project will outweigh any potential adverse impacts.